

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** Chair Jon Sonju, on February 16, 2011 at 3:15 PM, in Room 405 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Jon Sonju, Chairman (R)  
Sen. Art Wittich, Vice Chairman (R)  
Sen. Shannon Augare (D)  
Sen. Steven Gallus (D)  
Sen. Alan Olson (R)  
Sen. Bruce Tutvedt (R)  
Sen. Gene Vuckovich (D)

##### **Members Excused:**

Sen. Edward Buttrey (R)  
Sen. Lynda Moss (D)

##### **Members Absent:**

None

##### **Staff Present:**

Leanne Kurtz, Legislative Branch  
Kirk Lundby, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 283, 2/10/2011; SB 302, SB 303, SB 345, 2/14/201;  
SB 349, 2/16/2011  
Executive Action: SB 91 Do Pass As Amended  
SB 183 Do Pass As Amended  
SB 191 Do Pass As Amended  
SB 234 Do Pass As Amended  
SB 236 Do Pass As Amended  
SB 240 Tabled  
SB 283 Do Pass  
SB 302 Do Pass

**HEARING ON SB 283**

**Opening Statement by Sponsor:**

00:01:17 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 283, Revise process for changing county boundaries.

**EXHIBIT**(los38a01)

**Proponents' Testimony:**

00:10:55 Susie Mosness, Chairman, Sweet Grass County Commission

00:11:44 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

**EXHIBIT**(los38a02)

00:13:54 Stuart Doggett, representing the Montana Land Title Association (MLTA)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:14:43 Sen. Essmann

**EXECUTIVE ACTION ON SB 283**

00:15:57 **Motion/Vote:** Sen. Gallus moved that **SB 283 DO PASS**. Motion carried unanimously by voice vote of those present and voting.

**HEARING ON SB 303**

**Opening Statement by Sponsor:**

00:16:41 Sen. John Brenden (R), SD 18, opened the hearing on SB 303, Generally revise state land laws.

**Proponents' Testimony:**

00:22:04 Chuck Denowh, representing the United Property Owners of Montana (UPOM)

00:23:45 Nicole Rolf, representing the Montana Farm Bureau Federation (MFBF)

00:25:34 Areil Overstreet, representing the Montana Stockgrowers Association

**Opponents' Testimony:**

**EXHIBIT(los38a03)**

Written testimony of Janet Ellis, representing Montan Audubon presented to the committee prior to start of hearing

00:26:52 Joe Maurier, Director, Montana Fish Wildlife and Parks (FWP)

**EXHIBIT(los38a04)**

00:33:01 George Golie, representing the Montana Wildlife Federation (MWF)

**Informational Testimony:**

00:34:53 Tom Schultz, Administrator, Trust Land Management, Department of Natural Resources Conservation (DNRC)

**EXHIBIT(los38a05)**

**Questions from Committee Members and Responses:**

00:37:27 Sen. Olson  
00:37:36 Joe Maurier, (FWP)  
00:37:58 Sen. Olson  
00:38:08 Joe Maurier  
00:38:31 Vice Chair Wittich  
00:40:34 Joe Maurier  
00:41:30 Vice Chair Wittich  
00:41:46 Joe Maurier  
00:42:59 Chairman Sonju  
00:43:10 Joe Maurier  
00:43:18 Chairman Sonju  
00:43:30 Joe Maurier  
00:44:33 Chairman Sonju  
00:44:49 Sen. Brenden  
00:46:48 Chairman Sonju

**Closing by Sponsor:**

00:46:54 Sen. Brenden  
00:48:28 Sen. Moss entered the committee room

**HEARING ON SB 349**

**Opening Statement by Sponsor:**

00:54:51 Sen. Sharon Stewart-Peregoy (D), SD 21, opened the hearing on SB 349, Repeal English as official and primary language of government.

**Proponents' Testimony:**

01:16:18 Sen. Jonathan Windy Boy, SD 16  
01:19:26 Kelsen Young, representing the Montana Coalition Against Domestic and Sexual Violence (MCADSV)

01:20:43 Shahid Haque-Hasurath  
01:24:44 Jamee Greer, representing the Montana Human Rights Network (MHRN)

**Opponents' Testimony:**

01:25:31 William Biernat  
01:28:16 Pat McCain  
01:29:04 Harris Himes  
01:33:16 Becky Stockton

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:33:47 Sen. Moss  
01:35:13 Sen. Stewart-Peregoy  
01:36:32 Sen. Moss  
01:37:20 Sen. Stewart-Peregoy  
01:37:29 Vice Chair Wittich  
01:39:51 Sen. Stewart-Peregoy  
01:40:03 Sen. Augare  
01:41:29 Harris Himes  
01:42:46 Sen. Augare  
01:42:53 Chairman Sonju  
01:43:10 Sen. Augare  
01:44:01 Harris Himes

**Closing by Sponsor:**

01:44:39 Sen. Stewart-Peregoy

**HEARING ON SB 302**

**Opening Statement by Sponsor:**

01:53:12 Sen. Rick Ripley (R), SD 9, opened the hearing on SB 302, Generally revise county commissioner election laws.

**Proponents' Testimony:**

01:55:30 Dustin Stewart, Executive Director, Montana Building Industry Association (MBIA)

**EXHIBIT(los38a06)**

01:59:19 Chuck Denowh, representing the United Property Owners of Montana (UPOM)  
02:00:13 Nicole Rolf, representing the Montana Farm Bureau Federation (MFBF)  
02:01:24 Jessie Luther, representing the Montana Contractors Association (MCA)

**Opponents' Testimony:**

02:02:06 Mike Murray, Commissioner, Lewis and Clark County Commission  
02:06:41 Gordon Morris, representing Lewis and Clark County and himself  
02:08:32 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:10:25 Sen. Olson  
02:10:39 Sen. Ripley  
02:10:46 Sen. Gallus  
02:11:22 Sen. Ripley  
02:12:00 Sen. Tutvedt  
02:12:46 Harold Blattie, (MACo)

**Closing by Sponsor:**

02:13:29 Sen. Ripley

**HEARING ON SB 345**

**Opening Statement by Sponsor:**

02:15:20 Sen. Art Wittich (R), SD 35, opened the hearing on SB 345, Revise attorneys fees to enforce constitutional rights.

[EXHIBIT\(los38a07\)](#)

**Proponents' Testimony:**

02:20:37 Al Smith, representing the Montana Trial Lawyers Association (MTLA)

**Opponents' Testimony:**

02:24:49 John Barrows, Executive Director, Montana Newspaper Association (MNA)  
02:28:08 Bill Gianoulas, Chief Defense Council, Montana Risk Management and Tort Defense Division, Montana Department of Justice (DOJ)  
02:34:40 Mark Murphy, representing the Montana County Attorneys Association (MCAA)  
02:38:29 Sen. Buttrey entered the committee room  
02:38:42 Derf Johnson, representing the Montana Environmental Information Center (MEIC)  
02:39:23 Alan Hulse, representing the Montana Municipal Interlocal Authority (MMIA)  
02:41:01 John North, Chief Legal Council, Montana Department of Environmental Quality (DEQ)  
02:42:17 Brenda Lindlief-Hall, representing the Tongue River Water Users' Association (TRWUA)  
02:43:17 Mike Pichette, representing Northwestern Energy

02:44:21 Harold Blattie, (MACo)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:45:47 Sen. Gallus

**Closing by Sponsor:**

02:46:15 Vice Chair Wittich  
(Sen. Augare and Sen. Vuckovich were absent, Sen. Buttrey and Sen. Moss were present)

**EXECUTIVE ACTION ON SB 91**

02:47:05 **Motion:** Sen. Olson moved that **SB 91 BE REMOVED FROM TABLED.**

**Discussion:**

02:47:28 Leanne Kurtz, Legislative Services Division, (LSD)

02:48:29 Vice Chair Wittich

02:48:41 Sen. Olson

02:48:55 **Vote:** Motion carried unanimously by voice vote of those present and voting.

02:48:59 **Motion:** Sen. Olson moved that **SB 91 DO PASS AS AMENDED.**  
(previously amended on 2/9/2011)

**Discussion:**

02:49:02 Sen. Taylor Brown, SD 22

02:50:13 Vice Chair Wittich

02:50:26 Sen. Brown

02:50:35 Sen. Olson

02:51:09 Sen. Tutvedt

02:52:05 **Vote:** Motion carried unanimously by voice vote. Sen. Augare and Sen. Vuckovich voted by proxy.

**EXECUTIVE ACTION ON SB 240**

02:52:26 **Motion:** Sen. Moss moved that **SB 240 DO PASS.**

02:52:28 **Motion:** Sen. Moss moved that **SB 240 BE AMENDED.**  
[EXHIBIT\(los38a08\)](#)

**Discussion:**

02:52:47 Leanne Kurtz, (LSD)

02:53:33 Sen. Moss

[EXHIBIT](#)(los38a09)

02:54:14 **Vote:** Motion carried unanimously by voice vote of those present and voting.

02:54:23 **Motion:** Sen. Moss moved that **SB 240 DO PASS AS AMENDED.**

**Discussion:**

02:54:31 Sen. Moss

02:57:20 Vice Chair Wittich

02:58:14 **Motion/Vote:** Sen. Wittich moved that **SB 240 BE TABLED.** Motion carried 5-4 by roll call vote with Sen. Augare, Sen. Gallus, Sen. Moss and Sen. Vuckovich voting no. Sen. Augare and Sen. Vuckovich voted by proxy.

**Discussion:**

03:00:59 Sen. Gallus

03:01:02 Leanne Kurtz, (LSD)

03:02:09 Sen. Tutvedt

03:02:33 Chairman Sonju

**EXECUTIVE ACTION ON SB 302**

03:02:52 **Motion:** Sen. Tutvedt moved that **SB 302 DO PASS.**

**Discussion:**

03:03:14 Sen. Olson

03:03:37 Chairman Sonju

03:03:46 Sen. Gallus

03:03:59 Leanne Kurtz

03:04:17 Sen. Gallus

03:05:14 **Vote:** Motion carried unanimously by voice vote of those present and voting.

**EXECUTIVE ACTION ON SB 183**

03:05:31 **Motion:** Sen. Tutvedt moved that **SB 183 DO PASS.**

03:05:38 **Motion:** Sen. Tutvedt moved that **SB 183 BE AMENDED.**

[EXHIBIT](#)(los38a10)

**Discussion:**

03:06:21 Leanne Kurtz

03:07:22 Sen. Tutvedt

03:07:43 **Substitute Motion/Vote:** Sen. Wittich made a substitute motion that **SB 183 BE AMENDED BY SEGREGATING SECTIONS 1 AND 2.** Substitute Motion carried unanimously by voice vote of those present and voting.

03:07:50 **Motion:** Sen. Tutvedt moved that **SB 183 BE AMENDED WITH SECTION 1.**

**Discussion:**

03:08:28 Sen. Tutvedt

03:08:45 **Vote:** Motion carried unanimously by voice vote. Sen. Augare and Sen. Vuckovich voted by proxy.

03:09:03 **Motion:** Sen. Tutvedt moved that **SB 183 DO PASS AS AMENDED.**

03:09:22 **Motion:** Sen. Tutvedt moved that **SB 183 BE AMENDED WITH SECTION 2.**

**Discussion:**

03:09:37 Vice Chair Wittich

03:10:43 **Vote:** Motion carried 7-2 by roll call vote with Sen. Moss and Sen. Wittich voting no. Sen. Augare and Sen. Vuckovich voted by proxy.

03:11:44 **Motion:** Sen. Tutvedt moved that **SB 183 DO PASS AS AMENDED.**

03:12:15 **Motion:** Sen. Wittich moved that **SB 183 BE AMENDED.**  
[EXHIBIT\(los38a11\)](#)

**Discussion:**

03:13:23 Sen. Tutvedt

03:13:26 Harold Blattie, (MACo)

03:13:47 **Vote:** Motion carried unanimously by voice vote. Sen. Augare and Sen. Vuckovich voted by proxy.

03:13:54 **Motion:** Sen. Wittich moved that **SB 183 DO PASS AS AMENDED.**

03:14:04 **Motion:** Sen. Wittich moved that **SB 183 BE AMENDED.**  
[EXHIBIT\(los38a12\)](#)

**Discussion:**

03:15:43 Sen. Tutvedt

03:16:12 **Vote:** Motion failed 3-6 by roll call vote with Sen. Augare, Sen. Moss and Sen. Wittich voting aye. Sen. Augare and Sen. Vuckovich voted by proxy.

03:17:07 **Motion:** Sen. Wittich moved that **SB 183 DO PASS AS AMENDED.**

03:17:15 **Motion:** Sen. Wittich moved that **SB 183 BE AMENDED.**  
[EXHIBIT\(los38a13\)](#)



**Discussion:**

03:18:03 Sen. Tutvedt  
03:18:31 Sen. Buttrey  
03:18:45 Vice Chair Wittich  
03:19:21 Sen. Olson

03:20:48 **Vote:** Motion failed 2-7 by roll call vote with Sen. Sonju and Sen. Wittich voting aye. Sen. Augare and Sen. Vuckovich voted by proxy.

03:21:00 **Motion/Vote:** Sen. Tutvedt moved that **SB 183 DO PASS AS AMENDED**. Motion carried 5-4 by roll call vote with Sen. Augare, Sen. Moss, Sen. Vuckovich and Sen. Wittich voting no. Sen. Augare and Sen. Vuckovich voted by proxy.

**EXHIBIT**(los38a14)

**EXECUTIVE ACTION ON SB 236**

03:22:09 **Motion:** Sen. Buttrey moved that **SB 236 DO PASS**.

03:22:15 **Motion:** Sen. Buttrey moved that **SB 236 BE AMENDED**.

**EXHIBIT**(los38a15)

**Discussion:**

03:23:04 Vice Chair Wittich  
03:23:47 Alec Hansen, representing the Montana League of Cities and Towns (MLCT)  
03:25:57 Vice Chair Wittich  
03:26:30 Alec Hansen, (MLCT)  
03:26:59 Vice Chair Wittich  
03:27:29 Chairman Sonju

03:28:10 **Vote:** Motion carried unanimously by voice vote. Sen. Augare and Sen. Vuckovich voted by proxy.

03:28:50 **Motion/Vote:** Sen. Olson moved that **SB 236 DO PASS AS AMENDED**. Motion carried 5-4 by roll call vote with Sen. Augare, Sen. Gallus, Sen. Moss and Sen. Vuckovich voting no. Sen. Augare and Sen. Vuckovich voted by proxy.

03:29:01 Chairman Sonju turned chair duties over to Vice Chair Wittich

**EXECUTIVE ACTION ON SB 234**

03:29:28 **Motion:** Sen. Sonju moved that **SB 234 DO PASS**.

03:29:32 **Motion:** Sen. Sonju moved that **SB 234 BE AMENDED**.

**EXHIBIT**(los38a16)

**Discussion:**

03:29:41 Leanne Kurtz, (LSD)  
03:30:51 Chairman Sonju  
03:31:27 Vice Chair Wittich

03:31:42 **Vote:** Motion carried unanimously by voice vote. Sen. Augare and Sen. Vuckovich voted by proxy.

03:31:54 **Motion/Vote:** Sen. Sonju moved that **SB 234 DO PASS AS AMENDED**. Motion carried 6-3 by roll call vote with Sen. Augare, Sen. Moss and Sen. Vuckovich voting no. Sen. Augare and Sen. Vuckovich voted by proxy.

03:32:53 Vice Chair Wittich returned chair duties to Chairman Sonju

**EXECUTIVE ACTION ON SB 191**

03:33:16 **Motion:** Sen. Tutvedt moved that **SB 191 DO PASS**.

03:33:22 **Motion:** Sen. Wittich moved that **SB 191 BE AMENDED**.  
**EXHIBIT(los38a17)**

**Discussion:**

03:34:07 Leanne Kurtz, (LSD)  
03:34:58 Vice Chair Wittich  
03:36:18 Sen. Moss  
03:36:38 Vice Chair Wittich  
03:36:41 Sen. Olson  
03:36:56 Vice Chair Wittich

03:37:11 **Vote:** Motion carried unanimously by voice vote. Sen. Augare and Sen. Vuckovich voted by proxy.

03:37:19 **Motion:** Sen. Wittich moved that **SB 191 DO PASS AS AMENDED**.

**Discussion:**

03:37:29 Chairman Sonju  
03:38:09 Vice Chair Wittich

03:38:43 **Vote:** Motion carried 6-3 by roll call vote with Sen. Buttrey, Sen. Olson and Sen. Tutvedt voting no. Sen. Augare and Sen. Vuckovich voted by proxy.

**ADJOURNMENT**

Adjournment:  
03:39:36

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Kirk Lundby, Secretary

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Additional Documents:

**EXHIBIT([los38aad.pdf](#))**